

Message Text

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44

ACTION AF-06

INFO OCT-01 ISO-00 L-02 EB-07 FBO-02 A-01 /019 W

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R 011115Z MAY 75

FM AMEMBASSY KINSHASA

TO SECSTATE WASHDC 2344

C O N F I D E N T I A L SECTION 1 OF 2 KINSHASA 3617

E.O. 11652: GDS

TAGS: ABLD, AFSP, CG

SUBJ: ALHADEFF HOUSES

REF: A. KINSHASA 3141

B. KINSHASA 2205

C. STATE 099211

D. KINSHASA 3579

I. TEXT OF AFFADAVIT OF TITLE REQUESTED REFTEL C WAS SENT
TO AF/EX FOR TRANSMISSION TO ALSPAUGH, FBO ON MARCH 6, 1975
WITH OTHER DOCUMENTS. FOLLOWING IS TRANSLATED TEXT OF SALES
AGREEMENT IN ZAIRES WHICH WOULD BE USED FOR GOZ REGISTRATION
FOR THE ELEVEN PROPERTIES MENTIONED IN REF A.

AGREEMENT

BETWEEN

SOCIETE COOPERATIVE DE CAUTIONNEMENT COLLECTIF DE LA FEDERATION
NATIONALE BELGE DU BATIMENT ET DES TRAVAUX PUBLICS, BRUSSELS

AND

THE SECRETARY OF STATE OF THE UNITED STATES OF AMERICA

THIS SALE CONTRACT, MADE AND ENTERED THIS FIRST DAY OF NOVEMBER 1973
BETWEEN SOCIETE COOPERATIVE DE CAUTIONNEMENT COLLECTIF DE LA
FEDERATION NATIONALE BELGE DU BATIMENT ET DES TRAVAUX PUBLICS,
BRUSSELS HEREINAFTER CALLED THE VENDOR AND THE SECRETARY OF
STATE OF THE UNTIED STATES OF AMERICAN REPRESENTED BY
MR. CHARLES HERTER, ADMINISTRATIVE ATTACHE OF THE AMERICAN
EMBASSY AT KINSHASA, ZAIRE, HEREINAFTER CALLED THE PURCHASER.

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1. THE VENDOR, PURSUANT TO THE CONSIDERATIONS HEREINAFTER MENTIONED WHICH HAVE TO BE EXECUTED BY THE PURCHASER, COVENANTS AND AGREES WITH THE PURCHASER, TO SELL AND DELIVER TO THE PURCHASER FEE SIMPLE TITLE (COMPLETE, ABSOLUTE AND PERPETUAL OWNERSHIP) A DEED OF TRANSFER IN PROPER AND DUE FORM WITH COVENANTS OF WARRANTIES, FEE AND CLEAR FROM ALL LIENS, RIGHTS OF DOWER, OR OTHER ENCUMBRANCE, THE PROPERTY OR PREMISES TOGETHER WITH IMPROVEMENTS, ALL FURNITURE AND OTHER BUILDINGS IN OR ON THE PREMISES INCLUDING ALL RIGHTS AND PRIVILEGES THAT MAY BE HELD JOINTLY WITH OTHER OWNERS OF THE BUILDING IN KINSHASA, ZAIRE, AND HEREINAFTER DESCRIBED AS FOLLOWS:

APT. NO. 15 LOCATED ON THE 4TH FLOOR, NORTH BLOCK A OF THE BUILDING LE CINQUANTENAIRE, CORNER PLACE DU 27 OCTOBRE AND AVENUE DE LA PAIX AND CONSISTING OF: DINING ROOM, LIVING ROOM, BATH, HALF BATH, KITCHEN, BALCONY, 2 BEDROOMS.

2. THE VENDOR ALSO COVENANTS TO OBTAIN AND SUBMIT ALONG WITH THE DEED OF CONVEYANCE, PROOF OF THE RECONFIRMATION OF THE PROPERTY RIGHTS OF THE VENDOR OVER THESE PREMISES ACCORDING TO THE ORDINANCE OF THE GOVERNMENT OF ZAIRE DATED DECEMBER 31, 1971; THE EXECUTORY ORDINANCE OF THE GOVERNMENT OF ZAIRE NUMBER 72/003 DATED JANUARY 7, 1972 AND ORDINANCE 9TH OF ZAIRE, NUMBER 72/365 DATED SEPTEMBER 1972 AND TO PROVIDE IN A FORM ACCEPTABLE TO THE PURCHASER AN AFFIDAVIT OF TITLE.

3. THE PURCHASER COVENANTS TO PURCHASE OF THE VENDOR, THE PREMISES ABOVE DESCRIBED, AND PAY AND SECURE TO BE PAID THEREFOR, SUBJECT TO THE ANNUAL APPROPRIATION OF FUNDS BY THE CONGRESS OF THE UNITED STATES OF AMERICA THE SUM OF 43.428 ZAIRES, THE FIRST DAY OF NOVEMBER 1973.

4. IN EXCHANGE FOR THIS AGREEMENT, THE VENDOR COVENANTS TO DELIVER IMMEDIATELY TO THE PURCHASER THE AFORESAID DEED. THE SAID DEED SHALL BE DELIVERED TO THE AMERICAN EMBASSY AT KINSHASA AND MONEY FOR ANY AND ALL PAYMENTS DESCRIBED HEREIN SHALL BE PAID TO:

THE SOCIETE COOPERATIVE DE CAUTIONNEMENT COLLECTIF DE LA FEDERATION NATIONALE BELGE DU BATIMENT ET DES TRAVAUX PUBLICS, BRUSSELS.
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5. IN LIGHT OF THE FACT THAT THE PURCHASER ALREADY HAS POSSESSION OF THE SAID PREMISES, IT IS FURTHER COVENANTED AND AGREED THAT IN CASE OF FAILURE ON HIS PART TO PERFORM ANY OF THE COVENANTS HEREIN CONTAINED, HE WILL YIELD AND DELIVER TO THE VENDOR QUIET AND PEACEABLE POSSESSION OF SAID PREMISES; THE VENDOR MAY IMMEDIATELY AFTER SUCH FAILURE RE-ENTER AND TAKE POSSESSION OF THE PREMISES WITHOUT ANY PREVIOUS NOTICE TO

QUIT IN REFERENCE TO ANY LEGAL PROCEEDINGS TO RECOVER POSSESSION THEREOF AND THAT THE AFORESAID PREMISES SHALL REVERT TO THE OWNERSHIP OF THE VENDOR, THE PURCHASER RELINQUISHING ALL EQUITY, PAYMENTS MADE, AND OTHER RIGHTS TO THE AFORESAID PROPERTY.

6. THE PURCHASER COVENANTS AND AGREES NOT TO SELL OR OTHERWISE DISPOSE OF THE AFORESAID PREMISES WITHOUT FIRST HAVING SATISFIED COMPLETELY HIS FINANCIAL OBLIGATIONS TO THE VENDOR AS DESCRIBED HEREINABOVE.

7. IT IS COVENANTED AND AGREED BETWEEN THE PARTIES THAT THIS AGREEMENT SUPERSEDES AND CANCELS ANY PREVIOUS AGREEMENT ENTERED INTO BY SAID PARTIES RELATING IN ANY WAY TO THE PREMISES SUBJECT OF THE CURRENT TRANSACTION.

IN WITNESS WHEREOF THE PARTIES HERETO HAVE SUBSCRIBED THEIR NAMES THIS FIRST DAY OF NOVEMBER 1973.

WITNESS: VENDOR:

WITNESS: VENDOR:

II. FOLLOWING IS AN AMENDMENT FOR A LEASE PURCHASE WHICH IS TYPICAL OF THOSE WE HAVE SIGNED WITH ALHADEFF.

AMENDMENT

1. REFERENCE IS MADE TO LEASE NO. DIA-CX-ID-7 ENTERED INTO ON JULY 1ST, 1971 BY AND BETWEEN MR. MAURICE ALHADEFF, LESSOR, AND THE SECRETARY OF STATE OF THE UNITED STATES OF AMERICA, KINSHASA, LESSEE, FOR THE PREMISES LOCATED AT AVENUE HELENE 46-B, DJELO-BINZA, KINSHASA.

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2. THE PRESENT AMENDMENT TO THE SAID LEASE CONTRACT NO. DIA-CX-ID-7 IS MADE:

BETWEEN: MRS. RACHEL ROSANES
 OF KINSHASA
 PROPRIETOR OF THE PREMISES BY INHERITANCE
 ON THE ONE PART;

AND: THE SECRETARY OF STATE OF THE UNITED STATES OF
 AMERICA, REPRESENTED BY MR. CHARLES J. HERTER,
 ON THE OTHER PART.

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ACTION AF-06

INFO OCT-01 ISO-00 L-02 EB-07 FBO-02 A-01 /019 W

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R 011115Z MAY 75

FM AMEMBASSY KINSHASA

TO SECSTATE WASHDC 2345

C O N F I D E N T I A L SECTION 2 OF 2 KINSHASA 3617

THE PRESENT AMENDMENT, ESTABLISHING A LEASE WITH A PURCHASE OPTION IS MADE UNDER THE CONDITION THAT THE PROPERTY RIGHTS OF MRS. RACHEL ROSANES TO THE SAID PREMISES ARE CONFIRMED, ACCORDING TO GOZ ORDINANCE DATED DECEMBER 31, 1971, NO 71/009, THE EXECUTORY ORDINANCE DATED JANUARY 7, 1972, NO. 72/003 AND ORDINANCE NO. 72/365 DATED SEPTEMBER 14, 1972, MRS. RACHEL ROSANES, HEREBY COMMITTING HERSELF AS WELL AS HER HEIRS, EXECUTORS AND TRUSTEES, BE THEY UNDER AGE OR OTHERWISE INCAPACITATED, TO SELL TO THE EMBASSY OF THE UNITED STATES OF AMERICA THE PROPERTY IN FEE SIMPLE, FREE OF ALL DEBTS PRIVATE OR PUBLIC, AND FREE OF MORTGAGE, THE REFERENCED PROPERTY BEING LOCATED IN DJELO-BINZA (KINSHASA) AVENUE HELENE 46-B.

STARTING FROM THE DATE OF THE PRESENT LEASE PURCHASE CONTRACT, THE EMBASSY HAS THE FULL DISPOSITION OF THE PROPERTY.

AFTER THE RECONFIRMATION OF THE PROPERTY RIGHTS OF MRS. RACHEL ROSANES OVER THE SAID PREMISES, AND PAYMENT BY THE EMBASSY OF THE TOTAL PRICE SET FOR THE PROPERTY, VIZ: \$46,000.00, MRS. RACHEL ROSANES WILL TRANSFER THE FEE SIMPLE TITLE TO THE EMBASSY, AND AS OF THIS DATE GRANTS TO THE EMBASSY IN AN IRREVOCABLE MANNER THE POWER TO REPRESENT HER FOR ALL TRANSFER FORMALITIES IF THE NEED FOR SUCH A REPRESENTATION ARISES.

3. PARAGRAPH 3 OF THE ABOVE-MENTIONED LEASE IS AMENDED TO EXTEND THE DURATION OF THE LEASE; IN VIEW OF THE EXTENSION OF THE PARTIAL PAYMENTS, THE LEASE IS EXTENDED TO OCTOBER 31ST, 1981. THE REST OF SAID PARAGRAPH 3 REMAINS UNCHANGED, ESPECIALLY REGARDING THE CONDITIONS OF TERMINATION OF THE LEASE (SEE PARAGRAPH 12 OF CONTRACT).

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4. PARAGRAPH 4 IS AMENDED TO READ AS FOLLOWS:

THE LEASSEE SHALL PAY THE LESSOR FOR THE PREMISES RENTED, DEPENDING ON THE ANNUAL APPROPRIATION OF FUNDS BY THE CONGRESS OF THE UNITED STATES OF AMERICA, IN CONSIDERATION OF THE LESSOR'S OTHER COVENANTS AND ARRANGEMENTS, AS SET FORTH HEREIN, IN ACCORDANCE WITH THE FOLLOWING PROVISION:

A RENT OF \$540.00 (FIVE HUNDRED FORTY DOLLARS) PER MONTH,
PAYABLE QUARTERLY IN ADVANCE TO THE ACCOUNT OF:

MRS. RACHEL ROSANES
DISCOUNT BANK
ACCOUNT NO. G-47715
GENEVA, SWITZERLAND.

5. SUBJECT TO THE APPROVAL OF THE UNITED STATES FEDERAL AGENCIES CONCERNED, THE LESSOR AGREES TO GIVE TO THE LESSEE THE RIGHT TO AMEND THIS LEASE TO ADD THE STANDARD FBO LEASE-PURCHASE OPTION TO ENABLE THE LESSEE TO PAY FOR THIS PROPERTY OVER A PERIOD OF 7 YEARS AND ONE MONTH WITH ALL RENTAL PAYMENTS APPLYING TOWARD THE PURCHASE PRICE.

AT THE END OF THIS PERIOD, THE LESSOR WILL RECEIVE A FINAL PAYMENT OF \$100.00 (ONE HUNDRED) AND AGREES, AS STATED ABOVE, TO TRANSFER THE FEE SIMPLE TITLE TO THE LESSEE FOR DEFINITE POSSESSION.

THE BEGINNING OF THE PERIOD DURING WHICH THIS CONTRACT WILL BE CARRIED OUT IS THE FIRST DAY OF OCTOBER 1974.

6. IT IS THUS AGREED BETWEEN THE LESSOR AND THE LESSEE THAT THE LEASE IS AMENDED BY PARAGRAPHS 3, 4 AND 5 OF THE PRESENT DOCUMENT, ALL OTHER PROVISIONS OF THE LEASE REMAINING UNCHANGED.

IN WITNESS WHEREOF, THE PARTIES HERETO HAVE SUBSCRIBED THEIR NAMES THIS FIRST DAY OF OCTOBER 1974.

WITNESS: FOR THE LESSOR (MRS. RACHEL ROSANES)

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LESSEE:

FOR THE SECRETARY OF STATE OF
THE UNITED STATES OF AMERICA

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